

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERTO CHAVEZ-NUNEZ,

Petitioner,

v.

ALBERTO R. GONZALES, *et al.*,

Respondents.

CASE NO. C05-843-TSZ-JPD

ORDER OF TRANSFER TO THE
UNITED STATES COURT OF
APPEALS FOR THE NINTH
CIRCUIT AS A PETITION FOR
REVIEW

The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition (Dkt. #1), all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

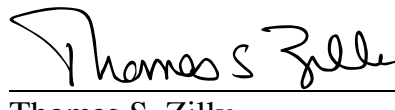
- (1) The Court adopts the Report and Recommendation.
- (2) This Court is without jurisdiction to consider petitioner's challenge to his removal order. Accordingly, this action is hereby TRANSFERRED to the United States Court of Appeals for the Ninth Circuit as a Petition For Review pursuant to § 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat.

1 231.

2 (3) Respondents are temporarily enjoined from removing petitioner from the United
3 States pending further order of the United States Court of Appeals for the Ninth
4 Circuit.

5 (4) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings
6 and related documents to the Ninth Circuit Court of Appeals. The Clerk shall,
7 however, retain a copy of the Court's electronic file. The Clerk is further
8 directed to send copies of this Order to all counsel of record, and to Judge
9 Donohue.

10 DATED this 12th day of August 2005.

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13 Thomas S. Zilly
14 United States District Judge
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